EXHIBIT

5

DATE

Case 1:04-cv-00253-SJM-SPB Document 17-6 Filed 11/14/2005 Page 2 of 4

LASTNAME, FREST, MIDDLE INITIAL REG. NO. WIT A. INMATE REQUEST: ON 4/8/03, I filed Administrative Remedy complaining about my aliments due OUNICOR excessive secondhand smoke. In retalization for complaining about UNICOR COMPLAINING ABOUT UNICOR secondhand smoke, and about the health problems caused by UNIC TS, I was fired from UNICOR. On 4/29/03, I had a meeting with Safety Manager, fir. Sapko, Mr. Holohan and of. Clark. They coerced me to witheraw my administrative remedy against UNICOR for the secondhand smoke and in return I was promised to be reinstate to my UNICOR job in the Daysift instead of Nightshift. They claimed smoking is better managed in the sayShift. The eforementioned individuals told me that they have talked to Ms. Forsyth, and she will reinstate me to my UNICOR job. Setween Msy 1-27, 2003, I repeatedly talked to Ms. Forsyth in the Mainline, in UNICOR, and she repeatedly told me that she will einstate me before she depart to her new job. She deliberately left without keeping to her promise. ELITE: Because the above individuals coerced me to withdrew my administrative remedy for secondhand smoke and lided to me that they will reinstate me to my UNICOR job I am religiately my claim of the injury I suffered from UNICOR secondhand smoke. DATE WARDEN OR REGIONAL DIRECTOR	derar Bureau of Prisons	100		
DAVILA-RAJANA JUAN LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT (A. INSTITUTION IN A 18/03, I filed Administrative Kemedy complaining about my sliments due to MINCOR secondhand smoke. In retaliation for complaining about UNICOR Secondhand smoke, and about the health problems caused by UNICOR 5, I was fired from UNICOR. On 4/29/03, I had a meeting with Safety Nanager, Mr. Sapko, Mr. Holchan and fir. Clark. They coerced me to withdress my edministrative remedy against UNICOR for the secondhand smoke and in return I was promised to be rainstate to my UNICOR job and the Dayslift instead of Nightenistit. They claimed smoking is better managed in the MayShift. The aforementioned individuals told me that they have talked to Ms. Forsyth and she will reinstate me to my UNICOR, and she repeatedly told me that she will estimate me before she depart to her new job. She deliberately left without keeping to her promise. MILIEST Because the above individuals coerced me to withdrew my administrative remedy for econdland smoke and iled to me that they will reinstate me to my UNICOR job I am econdhand smoke and iled to me that they will reinstate me to my UNICOR job I am I have been appeared by the injury I suffered from UNICOR secondhand smoke. DATE WARDEN OR REGIONAL DIRECTOR SIGNATURE OF REGUESTER WARDEN OR REGIONAL DIRECTOR SIGNATURE OF REGUESTER AT C. RECEIPT CASE NUMBER: CASE NUMBER: CASE NUMBER:	Type or use ball-point pen. If attachmen	ts are needed, submit four copies.	. Additional instructions	on reverse.
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DAVILA-BAJANA, JUAN Reg. No. 47580-053 MCK 304411 - F1

PART B - RESPONSE

This is in response to your Request for Administrative Remedy, receipted in my office on July 8, 2003, in which you allege that you were coerced to withdraw an existing administrative remedy regarding secondhand smoke in the UNICOR Factory. You further allege that in recognition of withdrawing your original administrative remedy, you were to be rehired in UNICOR.

An investigation into your allegations reveals the following: You withdrew your administrative remedy without any conditions. You were told that any attempt to regain your job would be in response to discussions with the Superintendent of Industries. The Superintendent indicated that you were removed because of activities deemed to interfere with the safe and orderly running of the factory; and, at a minimum, your status would be reevaluated in the future for possible rehiring. At no time were you told that you would be rehired.

With respect to your claim of adverse health related to secondhand smoke in the factory, there have been three separate visits by a compliance officer from the Occupational Safety and Health Administration (OSHA). The dates of the visits were Wednesday April 16, 2003, Wednesday May 14, 2003, and from Tuesday June 17, 2003 through Wednesday June 18, 2003. The preliminary findings indicate no evidence of any concerns related to the air quality within the factory. This includes the air quality as it relates to the smoking area within the factory. All appropriate and necessary practices are being followed in accordance with OSHA regulations. A final report will be provided by OSHA detailing the visit and will list any possible recommendations. Upon receipt of a final report, the information will be disseminated in accordance with OSHA guidelines.

Based on these findings your Request for Administrative Remedy is denied.

In the event that you are not satisfied with this response, you may appeal within twenty (20) calendar days from the date of this response by submitting a BP-DIR-230 to the regional director.

Date

John J. LaManna, Warden

ADMINISTRATIVE REMEDY INFORMAL RESOLUTION WORKSHEET

MCK 1330

For	rm BP-9, you <u>MUST</u> attempt to informally resolve your complaint through your Correction unselor. Briefly state complaint below, and list what efforts you have made to resolve your complaint.
cor	nplaint informally, stating names of staff contacted.
	s Informal Resolution was issued by the Correctional Counselor on and return the Counselor on (date). (date)
lnm	ate's Name VUAN DAVIA BAVANA Number 47580-053Unit B-A
1.	Complaint:
	PLEASE SEE ATTACHED
2.	Specific relief desired:
	SEE ATTACHED.
3.	Efforts made to informally resolve and staff contacted:
.	SOI UNICOR
	(1) 47580-053.
	Inmate's Signature Pated 6/12/03 Inmate's Register Number
ART	2: CORRECTIONAL COUNSELOR'S COMMENTS:
	Efforts made to informally resolve and names of staff contacted:
	ACCORDING TO UNICOR STAFF YOU WILL HAVE TO BE OUT OF UNICOR FOR NINETY DAYS BEFORE YOU WILL
	BE PLACED BACK IN UNICOR. YOU WILL ALSO LOSE YOU LONGEVITY. IF YOU HAVE ANY QUESTIONS REGARDING THIS ISSUE, I SUGGET THAT YOU SPEAK WITH MR. HOLOHAN, UNICOR AT MAIN LINE.
	Date informally resolved BP-9 issued (circle one): Counselor's Signature: T. HOLT, COUNSELOR UNIT BA 6-27-2003
	If complaint is NOT informally resolved, forward original attached to BP-229 form to Warden (Attn: Warden's Secretary).